



#3

**DECLARATION
AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

MANIPULATION OF TISSUE OR ORGAN TYPE USING THE NOTCH PATHWAY

and for which a patent application:

☐ is attached hereto and includes amendment(s) filed on (if applicable)

☒ was filed in the United States on July 11, 2000 as Application No. 09/614,003 (for declaration not accompanying application)

with amendment(s) filed on (if applicable)

☐ was filed as PCT international Application No. on and was amended under PCT Article 19 on (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

APPLICATION NUMBER	FILING DATE
60/143,484	July 12, 1999


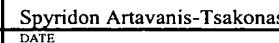
I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED

POWER OF ATTORNEY: As a named inventor, I hereby appoint S. Leslie Misrock (Reg. No. 18872), Harry C. Jones, III (Reg. No. 20280), Berj A. Terzian (Reg. No. 20060), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebe (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Allan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Samuel B. Abrams (Reg. No. 30605), Steven I. Wallach (Reg. No. 35402), Marcia H. Sundeen (Reg. No. 30893), Paul J. Zegger (Reg. No. 33821), Edmond R. Bannon (Reg. No. 32110), Bruce J. Barker (Reg. No. 33291), Adriane M. Antler (Reg. No. 32605), Thomas G. Rowan (Reg. No. 34419), James G. Markey (Reg. No. 31636), Thomas D. Kohler (Reg. No. 32797), Scott D. Stimpson (Reg. No. 33607), Gary S. Williams (Reg. No. 31066), William S. Galliani (Reg. No. 33885), Ann L. Gisolfi (Reg. No. 31956), Todd A. Wagner (Reg. No. 35399), Scott B. Familant (Reg. No. 35514), Kelly D. Talcott (Reg. No. 39582), Francis D. Cerrito (Reg. No. 38100), Anthony M. Insogna (Reg. No. 35203), Brian M. Rothery (Reg. No. 35340), Brian D. Siff (Reg. No. 35679), and Alan Tenenbaum (Reg. No. 34939), all of Pennie & Edmonds LLP, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 3300 Hillview Avenue, Palo Alto, CA 94304, and each of them, my attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

SEND CORRESPONDENCE TO:		PENNIE & EDMONDS LLP 1155 Avenue of the Americas New York, N.Y. 10036-2711		DIRECT TELEPHONE CALLS TO: PENNIE & EDMONDS LLP DOCKETING (212) 790-2803	
2 0 1	FULL NAME OF INVENTOR	LAST NAME GEHRING	FIRST NAME WALTER	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY THERWIL	STATE OR FOREIGN COUNTRY SWITZERLAND	COUNTRY OF CITIZENSHIP SWITZERLAND	
	POST OFFICE ADDRESS	STREET HOCHFELDWEG 32	CITY THERWIL	STATE OR COUNTRY SWITZERLAND	ZIP CODE CH4106
2 0 2	FULL NAME OF INVENTOR	LAST NAME ARTAVANIS-TSAKONAS	FIRST NAME SPYRIDON	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY BROOKLINE	STATE OR FOREIGN COUNTRY MASSACHUSETTS	COUNTRY OF CITIZENSHIP UNITED STATES	
	POST OFFICE ADDRESS	STREET 167 WILLARD ROAD	CITY BROOKLINE	STATE OR COUNTRY MASSACHUSETTS	ZIP CODE 02445

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201		SIGNATURE OF INVENTOR 202	
Walter Gehring 		Spyridon Artavanis-Tsakonas 	
DATE 28. August 2000		DATE	

**DECLARATION
AND POWER OF ATTORNEY**

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- ☐ is attached hereto and includes amendment(s) filed on *(if applicable)*
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60/143,484	July 12, 1999

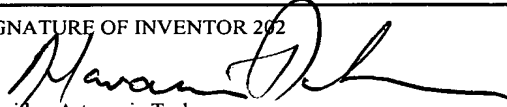
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2 0 1	FULL NAME OF INVENTOR	LAST NAME GEHRING	FIRST NAME WALTER	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY THERWIL	STATE OR FOREIGN COUNTRY SWITZERLAND	COUNTRY OF CITIZENSHIP SWITZERLAND	
	POST OFFICE ADDRESS	STREET HOCHFELDWEG 32	CITY THERWIL	STATE OR COUNTRY SWITZERLAND	ZIP CODE CH4106
2 0 2	FULL NAME OF INVENTOR	LAST NAME ARTAVANIS-TSAKONAS	FIRST NAME SPYRIDON	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY BROOKLINE	STATE OR FOREIGN COUNTRY MASSACHUSETTS	COUNTRY OF CITIZENSHIP UNITED STATES	
	POST OFFICE ADDRESS	STREET 167 WILLARD ROAD	CITY BROOKLINE	STATE OR COUNTRY MASSACHUSETTS	ZIP CODE 02445

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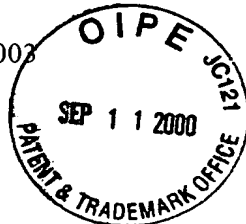
SIGNATURE OF INVENTOR 201		SIGNATURE OF INVENTOR 202	
Walter Gehring		 Spyridon Artavanis-Tsakonas	
DATE		DATE	
		28 / Aug / 2000	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: ☒ Application of: Gehring and Artavanis-Tsakonas
☐ Patent of:

☒ Application No.: 09/614,003
☐ Patent No.:

☒ Filed: July 11, 2000
☐ Issued:



Group Art Unit: To be assigned

Examiner: To be assigned

For: MANIPULATION OF TISSUE OR ORGAN TYPE
USING THE NOTCH PATHWAY

Attorney Docket No.: 7326-092

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
[37 CFR 1.9(f) and 1.27(d)] - Nonprofit Organization

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of organization University of Basel
Address of organization Petersgraben 35, Postfach 4003 Basel
Switzerland

Type of organization

- ☒ University or other institution of higher education
☐ Tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3))
☐ Nonprofit scientific or educational under statute of state of the United States of America
(Name of state _____)
(Citation of statute _____)
☐ Would qualify as tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3)) if located in the United States of America.
☐ Would qualify as nonprofit scientific or educational under statute of state of the United States of America if located in the United States of America
(Name of state _____)
(Citation of statute _____)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled MANIPULATION OF TISSUE OR ORGAN TYPE USING THE NOTCH PATHWAY by inventor(s) Gehring and Artavanis-Tsakonas described in

- ☐ the specification filed herewith
☒ application no. 09/614,003, filed July 11, 2000
☐ patent no. _____ issued

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization identified above and/or there is an obligation under contract or law by the inventor(s) to convey rights to the nonprofit organization identified above with regard to the invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

FULL NAME Exelixis, Inc.
ADDRESS 170 Harbor Way
P.O. Box 511
South San Francisco, California 94083-0511
☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME Yale University
ADDRESS 451 College Street
New Haven, Connecticut 06520
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☒ NONPROFIT ORGANIZATION

FULL NAME _____
ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28 (b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, and patent issuing thereon, or any patent to which this verified statement is directed.

Send correspondence to: PENNIE & EDMONDS LLP Direct Telephone calls to:
1155 Avenue of the Americas PENNIE & EDMONDS LLP
New York, N.Y. 10036-2711 (212) 790-9090

Name of person signing Dr. Bruno H. Dalle Carbonare
Title of person other than owner Head of the Technology Transfer Office
Address of person signing University of Basel
Petersgraben 35, Postfach 4003 Basel
Switzerland

Signature B. Dalle Carbonare Date August 8, 2000

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities.
(37 CFR 1.27)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

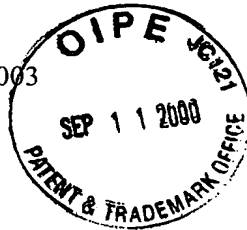
In re: ☒ Application of: Gehring and Artavanis-Tsakonas
☐ Patent of:

☒ Application No.: 09/614,003
☐ Patent No.:

Group Art Unit: To be assigned

☒ Filed: July 11, 2000
☐ Issued:

Examiner: To be assigned



For: MANIPULATION OF TISSUE OR ORGAN TYPE USING THE NOTCH PATHWAY Attorney Docket No.: 7326-092

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
[37 CFR 1.9(f) and 1.27(d)] - Nonprofit Organization

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of organization Yale University
Address of organization 451 College Street
New Haven, Connecticut 06520
Type of organization
☒ University or other institution of higher education
☐ Tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3))
☐ Nonprofit scientific or educational under statute of state of the United States of America
(Name of state _____)
(Citation of statute _____)
☐ Would qualify as tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3)) if located in the United States of America.
☐ Would qualify as nonprofit scientific or educational under statute of state of the United States of America if located in the United States of America
(Name of state _____)
(Citation of statute _____)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled MANIPULATION OF TISSUE OR ORGAN TYPE USING THE NOTCH PATHWAY by inventor(s) Gehring and Artavanis-Tsakonas described in

- ☐ the specification filed herewith
- ☒ application no. 09/614,003, filed July 11, 2000
- ☐ patent no. _____ issued

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If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

FULL NAME Exelixis, Inc.
ADDRESS 170 Harbor Way
P.O. Box 511
South San Francisco, California 94083-0511
☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME University of Basel
ADDRESS Petersgraben 35, Postfach 4003 Basel
Switzerland
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☒ NONPROFIT ORGANIZATION

FULL NAME _____
ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28 (b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, and patent issuing thereon, or any patent to which this verified statement is directed.

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Name of person signing Kara McCarthy Casey, Esq.
Title of person other than owner Manager, Intellectual Property Affairs
Address of person signing Yale University
155 Whitney Avenue
New Haven, Connecticut 06520
Signature Kara McCarthy Casey Date 8/4/00

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities.
(37 CFR 1.27)

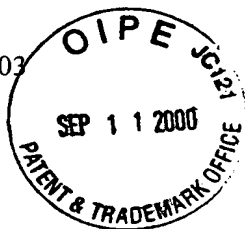
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☐ Patent of:

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[37 CFR 1.9(f) and 1.27(c)] - Small Business Concern

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Washington, D.C. 20231

Sir:

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act in behalf of
the concern identified below:

Name of organization Exelixis, Inc.
Address of organization 170 Harbor Way
P.O. Box 511
South San Francisco, California 94083-0511

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the person employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

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Name of person signing Glen Y. Sato
Title of person other than owner Chief Financial Officer and Vice President, Legal Affairs
Address of person signing Exelixis, Inc.
170 Harbor Way
P.O. Box 511
South San Francisco, California 94083-0511

Signature  Date 8/7/00

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(37 CFR 1.27)